

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

SPJST LODGE #154 & AMERICAN SOKOL ORGANIZATION,	§ § § Plaintiffs, v.	CIVIL ACTION NO. 4:15-cv-710 JURY DEMAND
CENTURY SURETY COMPANY,	§ § § Defendant.	

**DEFENDANT CENTURY SURETY COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, DEFENDANT CENTURY SURETY COMPANY ("Century") and files this Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 and in support thereof would respectfully show the Court as follows:

**I.
SUMMARY**

This matter involves an insurance coverage dispute between SPJST Lodge #154 & American SOKOL Organization ("SPJST") and Century. SPJST owns property located at 6500 Boat Club Road, Fort Worth, Texas 76179 (the "Property"). SPJST submitted claims under two separate commercial property policies for weather-related damage that occurred on April 10, 2011 and August 12, 2012. Century paid SPJST's claims. In February of 2014 SPJST made a supplemental claim for interior restoration, which Century also paid. Then, on September 14, 2014, SPJST submitted, for the first time, an additional claim for damage to business personal property. Century timely demanded an appraisal. SPJST refused to respond, but instead filed

suit one year later. The court ordered SPJST to submit to an appraisal on November 23, 2015. An Agreed Appraisal Award was issued on March 8, 2016, which Century timely paid pursuant to the terms of the policy. Nevertheless, SPJST seeks to recover statutory penalties under the Texas Prompt Pay Act, as well as damages for breach of fiduciary duty, negligence, breach of the common law duty of good faith and fair dealing, and violations of the Texas Insurance Code and Texas Deceptive Trade Practices Act. SPJST's claims are barred as a matter of law.

II.
ACCOMPANYING BRIEF AND APPENDIX

Each of the matters required under Local Rules 56.3, 56.5 and 56.6 will be set forth in Century's Brief in Support of this Motion for Summary Judgment and the Appendix attached thereto.

WHEREFORE PREMISES CONSIDERED, Defendant Century Surety Company respectfully requests that this Honorable Court **GRANT** its Motion for Summary Judgment. Should the Court deny Century's Motion, Century asks the Court to issue an order specifying the facts upon which there is a genuine material issue pursuant to Fed. R. Civ. P. 56(d). Century also pray for all such other and further relief as this Court deems just.

Respectfully submitted,

By: /s/ R. Brent Cooper

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**ATTORNEYS FOR DEFENDANT CENTURY
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document was served through the electronic case filing system (ECF) on the 27th day of December 2016 to:

Bill L. Voss
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The Woodlands, Texas 77380

/s/ R. Brent Cooper

R. BRENT COOPER